

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KALAMATA CAPITAL GROUP, LLC,

Plaintiff,

-against-

NEWCO CAPITAL GROUP, LLC D/B/A
KALABAKA CAPITAL GROUP, and
KALABAKA CAPITAL GROUP, LLC,

Defendants.

1:23-cv-442-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of the parties’ joint proposed stipulation to extend certain discovery deadlines filed at ECF No. 70. The Case Management Plan entered in this action expressly states that *fact* discovery shall not “exceed 120 days . . . unless the Court finds that the case presents unique complexities or other exceptional circumstances.” [ECF No. 49]. Moreover, the Case Management Plan states that “[a]bsent exceptional circumstances,” all *expert* discovery shall be completed within “sixty (60) days” from “the completion of fact discovery.” [ECF No. 49]. The Case Management Plan contains the additional warning that “[t]his ORDER may not be modified or the dates herein extended, except by further Order of this Court *for good cause shown*.” [ECF No. 49]. The proposed stipulation of the parties provides no reason—let alone “unique complexities,” “exceptional circumstances,” or “good cause”—for an extension of the discovery deadlines. [ECF No. 70].


As such, IT IS HEREBY ORDERED that the parties’ proposed stipulation is DENIED without prejudice. IT IS FURTHER ORDERED that the parties’ request that the Post-Discovery Conference currently scheduled for February 12, 2024 be rescheduled is also DENIED without prejudice.

Additionally, the parties are HEREBY DIRECTED to cease contacting Chambers by telephone. The parties are instructed to familiarize themselves with and to comply with the Individual Rules of Practice of this Court. Relevant here, Individual Rule 2.D states that “telephone calls to Chambers are permitted only for **urgent matters.**”

Further failure to comply with the Court’s orders, Individual Rules, Local Rules, and/or deadlines may result in sanctions, including monetary penalties, preclusion at trial of information not provided, or preclusion and/or dismissal of claims or defenses.

SO ORDERED.

**Date: January 16, 2024
New York, NY**


MARY KAY VYSKOCIL
United States District Judge